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July 17, 2007

VIA ELECTRONIC FILING

The Honorable Gregory M. Sleet
 United States District Judge
 J. Caleb Boggs Federal Building
 844 N. King Street, Lockbox 18
 Wilmington, DE 19801

Re: *Biovail v. Andrx Pharmaceuticals LLC et al.,*
C.A. No. 05-586 (GMS)

Dear Chief Judge Sleet:

I am writing on behalf of defendant Andrx Pharmaceuticals LLC with respect to Andrx's pending motion to strike what it believes was an untimely expert report. Andrx filed the motion on April 11, 2007, and the motion was fully submitted as of May 8, 2007. The briefs can be found at Docket Nos. 152, 169 and 179.

I am writing at this time because the deposition of the Biovail expert at issue is scheduled for next month, along with the deposition of the Andrx expert who would address what Andrx regards as the untimely report, in the event that the Court does not grant the motion. If the Court declines to strike the report, then Andrx would not wish to be precluded from responding at trial.

We stand ready to address the motion with Your Honor, if argument would be helpful. Otherwise we will await further instructions from the Court.

Respectfully submitted,

/s/ Richard L. Horwitz

Richard L. Horwitz

RLH/msb
 807559 / 30015

cc: Clerk of the Court (via Hand Delivery)
 Counsel of Record (via Electronic Mail)